

February 26, 2010

Mr. Todd Stevenson
Office of the Secretary
United States Consumer Product Safety Commission
4300 East West Highway
Bethesda, MD 20814

RE: Consumer Product Safety Commission – Product Incident Safety Database

Dear Mr. Stevenson;

SDA is a trade association representing the \$30 billion U.S. cleaning products market. SDA members include the formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. The following are SDA comments regarding Commission structure and implementation of a product incident safety database.

Section 212 of the CPSIA requires the establishment and maintenance of a publicly available, searchable, and accessible consumer product safety database. The database is to include, "reports of harm relating to the use of consumer products" from a variety of entities, and is to include, among other things, a description of the product; identification of the manufacturer or private labeler; a description of the harm related to the use of the product; and contact information. Moreover, the database is to be searchable by date of report, the name of the product as well as model and other names given by the manufacturer, among other factors the Commission may provide.

SDA encourages the Commission to utilize best practices in creating the database that are consistent with the databases that manufacturers and others currently utilize to collect information and data from consumers and product users. SDA also encourages the Commission to focus the scope of the database on issues that are core to its mission of protecting public safety in this era of limited resources.

Factual accuracy and veracity are two fundamental elements underpinning a credible and viable incident database. These two elements are crucial to avoid false or misleading reports or even incident reports created based on mere rumor. The accuracy and completeness of factual circumstances are very important to the incident report, and are essential to any attempt to demonstrate incident patterns. To that end, the Commission should ensure that thorough and descriptive data fields are developed to accomplish the objective of securing accurate and complete information. This should include accuracy in product reporting that accounts for product, production or other manufacturing descriptors. Moreover, the database must have a mechanism for addressing false and inaccurate reports that do not meet the test of factual accuracy and veracity. Finally, a process for confirming the accuracy of an alleged incident is necessary.

The statutory timelines for manufacturer's response to a report are relatively short, and to facilitate efficient responses to reports given the timelines, it will be imperative that a process for timely delivery, correct contacts and receipt be established. Proper notice and posting of the comments as soon as

practicable after the report throughout the process may pose significant time and process issues for the Commission. SDA urges careful attention to these issues and the potential burdens they may present for all involved parties. Clarification as to the requirements for challenging a report as false or inaccurate inside the response window is essential, as is the process for filing such challenges if the relevant information comes to light outside the response time.

Finally, SDA urges the Commission to address the criteria for confidentiality determinations in the incident database process if a manufacturer requests confidential treatment of information in a report. To that end, SDA urges the consideration of, among other options, coded identifiers and other devices to protect confidential business information.

SDA strongly urges the consideration of these comments and appreciates the attention of the Commission to these issues. Should you or your staff require further assistance please contact me at dtroutman@sdahq.org or (202) 662-2508.

Sincerely yours,

Douglas Troutman
Director, Government Affairs